

State v. James A. Ray  
V1309 CR 20108 0049

w/o

4:51 **FILED**  
O'Clock P.M.

JUN 16 2011 ✓

Defense Requested Jury Instruction  
6/16/11

SANDRA K MARKHAM, Clerk  
By: Tanya Brogdon

Ladies and Gentlemen,

A defendant is always free to challenge the sufficiency of the evidence with respect to an element or issue upon which the State bears the burden of proof, even without any advance notice of intent to do so. A defendant need not provide the prosecutor or the court with a preview of his case or his arguments.

You heard argument yesterday regarding when and how the State learned about information related to possible organophosphate poisoning. You must remember that the prosecution has the burden to prove all elements of the charged crimes beyond a reasonable doubt with its own evidence. Proof beyond a reasonable doubt is proof that leaves you firmly convinced of the Defendant's guilt. The burden of proof never shifts to Mr. Ray, the defendant. Mr. Ray is not required to produce any evidence at all.

Read in part  
on 6/16/11  
10:20 a.m.  
M.R.D.